

**THE CITY COUNCIL
NILES, MICHIGAN
PUBLIC HEARING**

2nd Substantial Amendment to PY 2017 CDBG Action Plan
Monday, March 26, 2018, 5:55p.m.

At 5:55 pm, Mayor Shelton asked if anyone in the audience wished to address the council on the second Substantial Amendment to PY 2017 CDBG Action Plan. Hearing no response, the Public Hearing was closed at 5:57pm.

**CITY OF NILES
REGULAR CITY COUNCIL MEETING MINIUTES
MONDAY, March 26, 2018**

The meeting was called to order by Mayor Shelton in the City Council Chambers, 1345 East Main Street, Niles, Michigan at 6:00 p.m., March 26, 2018. The Pledge of Allegiance was led by Mayor Shelton.

PRESENT: Gretchen Bertschy, Georgia Boggs, John DiCostanzo, Robert Durm Charlie McAfee, Wm. Tim Skalla, Daniel VandenHeede, William Weimer, and Mayor Nick Shelton.

ABSENT: None

STAFF: Casperson, Huff, Landgraf

CITIZEN PARTICIPATION:

Mr. Fouche inquired about the status of the Medical Marijuana facilities. Administrator Huff explained that the selected facilities are currently going through the State of Michigan process for approval. Once they are approved they will then go through the Planning Commission for site plan review then back to the City Council for final approval.

PRESENTATION: None

CONSENT AGENDA:

1. Consideration of approving the City Council Minutes of March 12, 2018.
2. Consideration of approving the Bills dated March 21, 2018.
3. Consideration of approving a \$2,000.00 allotment towards water usage in 2018 for the Niles Community Gardens, Inc.
4. Consideration of approving the emergency purchase of sectionalizing equipment from Power Line Supply of Reed City, MI at a cost of \$4,098.81.
5. Consideration of accepting the quote of \$4,335.19 from West Shore Fire, Inc. of Allendale, MI to rebuild 13 valves and pump packing seals on Fie Engine #6721.
6. Consideration of accepting the quote of \$4,785.00 from Gemini Group of Natick, MA for printing and mailing of the annual Consumer Confidence Report (CCR), the annual water quality report.
7. Consideration of approving the emergency purchase of one (1) reconditioned 500kVA dual voltage transformer from Solomon Corporation of Solomon, KS at a cost of \$7,265.00.
8. Consideration of approving the purchase one dual purpose German shepherd police canine from Mid-Michigan K9 LLC of Eaton Rapids, MI at a cost of \$10,500.00.
9. Consideration of approving the emergency purchase of a 4/0 Okonite cable from Power Line Supply of Reed City, MI at a cost of \$11,940.00.
10. Consideration of approving a commitment for ordering 750 tons of bulk rock salt through the MiDEAL program for a price per ton that is unknown at this time and consideration of authorizing the Public Works Director to sign the commitment.

Council Member Weimer moved, **Council Member Skalla** supported, **MOTION CARRIED**, to approve Items 1-10 as submitted.

ROLL CALL:

AYE: Gretchen Bertschy, Georgia Boggs, John DiCostanzo, Robert Durm, Charlie McAfee, Wm. Tim Skalla, Daniel VandenHeede, and William Weimer

NAY: None **ABSENT:** None **ABSTAIN:** None

ADMINISTRATOR'S REPORT:

Introduction of Items for Discussion
Items for Council Action

11. Consideration of adopting a resolution to approve entering into an agreement with Mr. Jonathan Smith for the purchase of 933 N. Fifth Street and the adjacent landlocked property from the City of Niles, require reimbursements to the City of Niles for taxes paid on the properties, require the transactions to occur within 30 days, require the combination of three properties (933 N. 5th, the landlocked property and 931 N. 5th Street) and consideration of authorizing the mayor to sign the necessary documents.

CITY OF NILES
SALE OF PROPERTY
933 N. 5TH STREET
RESOLUTION #2018-03/2047
Resolution 3 of 3

Council Member DiCostanzo offered the following resolution and moved for its adoption, seconded by **Council Member Boggs**.

RESOLVED BY: City Council, City of Niles, Michigan,

WHEREAS, the City of Niles acquired 933 N. 5th Street (11-71-0026-0052-00-0) for \$7,537.00 from Berrien County due to delinquent property taxes, previously owned by Jonathan Smith; and

WHEREAS, Jonathan Smith requested the opportunity to purchase said property from the City of Niles; and

WHEREAS, State law does not allow for the sale of property to the same owner that lost the property to tax foreclosure unless it serves a public purpose; and

WHEREAS, Mr. Smith owns 931 N. 5th Street (11-71-0026-0051-00-3), adjacent to said property; and

WHEREAS, in addition the City of Niles owns a small parcel (11-71-0026-0051-01-1) landlocked by 931 and 933 N. 5th Street; and

NOW, THEREFORE, BE IT RESOLVED

There is an advantage to the public if Mr. Smith is sold 933 N. 5th and landlocked parcel with the contingency to combine all three parcels into one parcel to avoid property line disputes and access issue.

BE IT FURTHER RESOLVED as follows:

1. The City of Niles, Michigan has agreed to the sale of property by quit claim deed located at 933 N. 5th Street in said City to Mr. Jonathan Smith for a purchase price of Seven Thousand Five Hundred Thirty-Seven Dollars and 00/100 (\$7,537.00) plus legal fees and closing costs; and
2. Reimburse the City of 933 N. 5th Street summer tax of One Thousand Fifty-Eight Dollars and 57/100 (\$1,058.57) and winter tax of Nine Hundred Three Dollars and 91/100 (\$903.91); and
3. Contingent upon purchase of land-locked property by quit claim deed herein described to wit:
PT OF NE1/4 OF SEC 26 T7S R17W COM 61' S & 77' E OF SE COR OF 5TH & POKAGON

STS TH S 71' TH E 55' TH N 71' TH W 55' TO BEG (11-71-0026-0051-01-1) from the City of Niles for One Hundred Dollars and 00/100 (\$100.00) plus legal fees and closing costs; and

4. Reimburse the City's legal fees of Five Hundred Dollars and 00/100 (\$500); and
5. Combine the three properties into one property to avoid property line disputes and access issues; and
6. That the property transactions take place within 30 days.

ROLL CALL:

AYE: Gretchen Bertschy, Georgia Boggs, John DiCostanzo, Robert Durm, Charlie McAfee, Wm. Tim Skalla, Daniel VandenHeede, and William Weimer

NAY: None **ABSENT:** None **ABSTAIN:** None

RESOLUTION 2018-03/2047 DECLARED ADOPTED

12. Consideration of approving a Traffic Order Change for the removal of a permanent traffic order to allow on-street parking on the west side of 9th Street from Sycamore to Regent Streets.

Council Member Bertschy moved, **Council Member Weimer** supported, **MOTION CARRIED**, to approve a Traffic Order Change for the removal of a permanent traffic order to allow on-street parking on the west side of 9th Street from Sycamore to Regent Streets.

ROLL CALL:

AYE: Gretchen Bertschy, Georgia Boggs, John DiCostanzo, Robert Durm, Charlie McAfee, Wm. Tim Skalla, Daniel VandenHeede, and William Weimer

NAY: None **ABSENT:** None **ABSTAIN:** None

TRAFFIC ORDER 344 ADOPTED

13. Consideration of approving participation in a Voluntary Green Pricing Program, as mandated in the Clean, Renewable, Efficient Energy and Energy Waste Reduction Act; and consideration of approving an additional energy charge tariff to those customers who voluntarily participate in the program.

Council Member Skalla moved, **Council Member Bertschy** supported, **MOTION CARRIED**, to approve participation in a Voluntary Green Pricing Program, as mandated in the Clean, Renewable, Efficient Energy and Energy Waste Reduction Act; and consideration of approving an additional energy charge tariff to those customers who voluntarily participate in the program.

ROLL CALL:

AYE: Gretchen Bertschy, Georgia Boggs, John DiCostanzo, Robert Durm, Charlie McAfee, Wm. Tim Skalla, Daniel VandenHeede, and William Weimer

NAY: None **ABSENT:** None **ABSTAIN:** None

14. Consideration of approving a request for Utility Financial Solutions, LLC (UFS) of Leland, MI to provide financial projections and rate recommendations at a cost of \$18,500.00 and consideration of authorizing the mayor to sign the engagement letters.

Council Member VandenHeede moved, **Council Member DiCostanzo** supported, **MOTION CARRIED**, to approve a request for Utility Financial Solutions, LLC (UFS) of Leland, MI to provide financial projections and rate recommendations at a cost of \$18,500.00 and consideration of authorizing the mayor to sign the engagement letters.

ROLL CALL:

AYE: Gretchen Bertschy, Georgia Boggs, John DiCostanzo, Robert Durm, Charlie McAfee, Wm. Tim Skalla, Daniel VandenHeede, and William Weimer

NAY: None **ABSENT:** None **ABSTAIN:** None

15. Consideration of approving an amendment to the Master Agreement Contract #2017-0107 between the City of Niles and the Michigan Department of Transportation (MDOT) for continued operation of the DART system and consideration of authorizing the mayor to sign the agreement.

Council Member DiCostanzo moved, **Council Member Skalla** supported, **MOTION CARRIED**, to approve an amendment to the Master Agreement Contract #2017-0107 between the City of Niles and the Michigan

Department of Transportation (MDOT) for continued operation of the DART system and consideration of authorizing the mayor to sign the agreement.

ROLL CALL:

AYE: Gretchen Bertschy, Georgia Boggs, John DiCostanzo, Robert Durm, Charlie McAfee, Wm. Tim Skalla, Daniel VandenHeede, and William Weimer

NAY: None **ABSENT:** None **ABSTAIN:** None

16. Consideration of approving the submission of the FY 2018 FTA Certifications and Assurances affirming the City's compliance with required FTA rules and regulations and consideration of authorizing staff to file and PIN the necessary documentation in TrAMS, the electronic grant management system, and consideration of authorizing the mayor and the city attorney to sign the required documentation.

**FY 2018 FTA Certifications and Assurances
RESOLUTION #2018-03/2049**

Council Member Bertschy offered the following resolution and moved for its adoption, seconded by **Council Member Boggs**:

RESOLVED BY: City Council, City of Niles, Michigan

WHEREAS, Niles Dial-A-Ride Transportation (DART) receives Section 5307 and Section 5339 funds from the Federal Transit Administration (FTA) to help finance the cost of operations, preventative maintenance, and capital expenditures; and

WHEREAS, the City of Niles, as grantee of these funds, is required to affirm to the FTA on an annual basis that it intends to comply with certain regulations in consideration for receiving these funds;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Niles, Michigan does hereby authorize Nicholas Shelton, Mayor, and Robert L. Landgraf, Jr., Attorney, to sign the fiscal year 2018 FTA Certifications and Assurances affirming compliance with all rules and regulations governing the receipt of federal assistance to operate the DART system.

ROLL CALL:

AYE: Gretchen Bertschy, Georgia Boggs, John DiCostanzo, Robert Durm, Charlie McAfee, Wm. Tim Skalla, Daniel VandenHeede, and William Weimer

NAY: None **ABSENT:** None **ABSTAIN:** None

RESOLUTION # 2018-03/2049 DECLARED ADOPTED

- 16A. Consideration of adopting a resolution to approve the demolition by Berrien County of the eight (8) prioritized properties listed.

**RESOLUTION #2018-03/2048
DEMOLITION OF STRUCTURES ON TAX FORECLOSED PROPERTIES OWNED BY BERRIEN COUNTY**

Council Member Weimer offered the following resolution and moved for its adoption, supported by **Council Member DiCostanzo**.

RESOLVED BY: City Council, City of Niles, Michigan,

WHEREAS, the City of Niles, Michigan has deemed that certain structures on properties within the City's jurisdiction that have been foreclosed upon by the County of Berrien for non-payment of taxes should be demolished. This resolution authorizes the County of Berrien, Michigan to demolish the indicated structures; and

NOW, THEREFORE, BE IT RESOLVED:

The City of Niles, by this resolution, authorizes and approves the demolition of the listed structures on the indicated properties in order of priority.

- | | | |
|----|------------------------------|----------------------|
| 1. | 550 Union Street | 11-74-6890-0017-00-9 |
| 2. | 936 Pine Street | 11-74-1700-0040-00-1 |
| 3. | 11 S. 9 th Street | 11-73-0840-0160-01-1 |

- | | | |
|----|--------------------------------|----------------------|
| 4. | 1141 Maple Street | 11-73-2730-0016-01-4 |
| 5. | 1356 Merrifield Street | 11-71-2100-0080-00-7 |
| 6. | 1636 Cherry Street | 11-73-8790-0163-00-5 |
| 7. | 1015 N. 5 th Street | 11-71-3750-0085-00-9 |
| 8. | 119 Michigan Street | 11-73-2700-0025-02-0 |

ROLL CALL:

AYE: Gretchen Bertschy, Georgia Boggs, John DiCostanzo, Robert Durm, Charlie McAfee, Wm. Tim Skalla, Daniel VandenHeede, and William Weimer

NAY: None **ABSENT:** None **ABSTAIN:** None

RESOLUTION # 2018-03/2048 DECLARED ADOPTED

COMMITTEE/BOARD APPOINTMENTS: None

CITY ATTORNEY'S REPORT: None

COUNCIL MEMBER'S REPORT:

Council Member Boggs asked to keep kids in mind as it pertains to gun controls.

Council Member Bertschy congratulated the police department on the new K-9 officer.

Council Member VandenHeede announced that brush pickup will begin the end of April.

MAYOR'S REPORT:

Mayor Shelton announced that there are four council member seats up for election. Candidate filing deadline is April 24, 2018. See the clerk for the proper paperwork.

ADJOURNMENT: Council Member Weimer moved to adjourn at 6:27pm.

Linda Casperson
Niles City Clerk

Date